

REMARKS

In response to the Official Action mailed November 7, 2001, Applicants amend their application and request reconsideration in view of the amendments and the following remarks in this Reply. Claim 37 has been amended. No claims have been canceled or added, so that claims 37-46 remain pending. No new matter has been introduced.

Claim 46 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-13 of U.S. Patent No. 6,129,756. Accordingly, Applicants have prepared and filed a Terminal Disclaimer, a copy of which is attached hereto.

Claims 37-42 were rejected as anticipated by U.S. Patent No. 5,476,506 to Lunn. This rejection is respectfully traversed.

U.S. Patent No. 5,476,506 to Lunn discloses a graft for placement in a body passageway. The graft is designed such that it is longitudinally expandable and has end portions that are radially expandable. The walls of the central portion are provided with circumferential crimps and the walls of the end portions are provided with axially extending crimps.

The present invention as claimed in amended claim 37 is directed to a graft system for repairing an abdominal aortic aneurysm. The system comprises a tubular graft component having a first end portions, a second end portion and a middle portion. The middle portion includes one or more independent support stents and the cross-sectional area of the first and second end portion is greater than the cross-sectional area of the middle portion.

Anticipation exists only if all of the elements of the claimed invention are found in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

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Lunn fails to disclose or suggest "one or more independent support stents;" therefore, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 36-46 were rejected as anticipated by U.S. Patent No. 6,123,722 to Fogarty et al. (Fogarty). This rejection is respectfully traversed.

As stated above, there can be no anticipation if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference.

U.S. Patent No. 6,123,722 to Fogarty et al. discloses stents and stent-grafts for the treatment of aneurysms. Specifically, Fogarty discloses prosthetic modules which may be selectively combined to form a composite prosthesis. Also disclosed is a delivery catheter which comprises a tubular cover and a shaft coaxially positioned in the cover. The catheter also comprises a plurality of runners and a nosecone.

With respect to Claim 37, Fogarty fails to disclose or suggest a tubular graft component wherein the graft component had two ends which have cross-sectional areas that are greater than the cross-section area of the middle portion and the middle portion includes one or more independent support stents. Accordingly, reconsideration and withdrawal of the rejection to claims 37-45 is respectfully requested.

The present invention as claimed in claim 46 is directed to a graft system for repairing an aneurysm in a vessel. The system comprises a delivery catheter, first and second graft segments and a transition element fixed to the inner portion of the catheter, substantially between the first and second graft segments. The transition element having a smooth tapering diameter in the direction of the first graft segment to facilitate insertion of the second graft segment into the first graft segment after the first graft segment has been deployed.

Fogarty fails to disclose or suggest a delivery catheter having a transition element; therefore, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection to claim 46 is respectfully requested.


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Applicants would be grateful for the opportunity to conduct a telephone or in-person interview if the Examiner believes it would be helpful in disposing of the present case.

It is believed that the remarks establish the patentability of the claimed invention over the art of record. Therefore, allowance is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

37. (Amended) A graft system for repairing an abdominal aortic aneurysm comprising a tubular graft component having a first end portion, [and] a second end portion and a middle portion extending therebetween, the middle portion including one or more independent support stents, wherein the cross-section areas of the first and second end portions is greater than the cross-section area of the middle portion.